

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY	
	Chapter 3: Hotline	Effective Date: February 1, 2021
	Section 8: Statutory Definition of Child Abuse and/or Neglect	Version: 8

STATEMENTS OF PURPOSE

The Indiana Department of Child Services (DCS) will use the following criteria when evaluating a [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114\) \(310\)](#) to determine if the allegations meet the statutory definition for Child Abuse and/or Neglect (CA/N):

1. The alleged victim is under the age of 18¹;
2. The alleged perpetrator’s relationship to the alleged victim is that of parent, guardian, or custodian (see [Related Information](#)); and

Exception: For allegations involving sexual abuse, the perpetrator may have **any** or **no** relationship to the child.

3. The allegations would cause a reasonable person to believe that CA/N has occurred (see “Allegations” below).

Allegations

Indiana Law includes the following Child in Need of Services (CHINS) definitions as the basis for CA/N. This list is intended to be used by DCS at intake, in conjunction with the [Indiana Department of Child Services Screening and Response Time Assessment \(SDM Tool\)](#), as a parameter to determine whether a reporter’s allegations would indicate that CA/N has occurred:

CHINS 1: The child’s physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child’s parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision:
 (A) when the parent, guardian, or custodian is financially able to do so; or
 (B) due to the failure, refusal, or inability of the parent, guardian, or custodian to seek financial or other reasonable means to do so.

CHINS 2: The child’s physical or mental health is seriously endangered due to an injury by the act or omission of the parent, guardian, or custodian.

The child is a victim of assisting suicide ([I.C. 35-42-1-2.5](#)); battery ([I.C. 35-42-2-1](#)); domestic battery ([I.C. 35-42-2-1.3](#)); aggravated battery ([35-42-2-1.5](#)); strangulation ([I.C. 35-42-2-9](#)); neglect of a dependent, child selling ([I.C. 35-46-1-4](#)); attempt or conspiracy to commit any of the listed offenses; or attempt or conspiracy to commit murder, causing suicide, voluntary manslaughter, involuntary manslaughter, or reckless homicide ([I.C. 31-34-1-2](#)).

The child lives in the same household as an adult who committed and has been

¹ If the alleged victim is over the age of 18 and is currently a ward, the reported information is forwarded to the DCS worker as an Information and Referral (I&R).

convicted of, or has been charged with committing an offense and is awaiting trial for, any of the following offenses against another child who lives in the household: assisting suicide ([I.C. 35-42-1-2.5](#)); battery ([I.C. 35-42-2-1](#)); domestic battery ([IC 35-42-2-1.3](#)); aggravated battery ([35-42-2-1.5](#)); strangulation ([I.C. 35-42-2-9](#)); neglect of a dependent, child selling ([I.C. 35-46-1-4](#)); attempt or conspiracy to commit any of the listed offenses; or attempt or conspiracy to commit murder, causing suicide, voluntary manslaughter, involuntary manslaughter, or reckless homicide ([IC 31-34-1-2](#)).

CHINS 3: The child is a victim of an offense listed in [IC 31-34-1-3](#) or is living in a household with an adult who has been charged with an offense listed in [IC 31-34-1-3](#) or [IC 35-42-3.5-1](#) and is awaiting trial or resulted in a conviction or judgement under [IC 31-34-11-2](#) or [IC 35-42-3.5-1](#).

CHINS 3.5: The child is a victim of a human trafficking offense as defined in [IC 31-9-2-133.1](#). A child is considered a victim of human trafficking regardless of whether the child consented to the conduct as defined.

CHINS 4: The child's parent, guardian, or custodian allows the child to participate in an obscene performance.

CHINS 5: The child's parent, guardian, or custodian allows the child to commit a prohibited sex offense (see [3.B Tool Sexual Offense Child Abuse and/or Neglect \(CA/N\) Matrix](#)).

CHINS 6: The child substantially endangers his/her own health or the health of another individual.

CHINS 7: The child's parent, guardian, or custodian fails to participate in a school disciplinary proceeding.

CHINS 8: The child is a "missing child".

Note: This is a child who is the subject of a missing person's report and has been found in Indiana.

CHINS 9: The child is disabled and deprived of necessary nutrition or medical intervention.

Note: According to [IC 31-34-1-9](#), a child in need of services under CHINS 1, 2, 3, 4, 5, 6, 7, or 8 of this tool includes a child with a disability who:

- 1) Is deprived of nutrition that is necessary to sustain life; or
- 2) Is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition; if the nutrition or medical or surgical intervention is generally provided to similarly situated children with or without disabilities.

CHINS 10: The child is born with fetal alcohol syndrome, neonatal abstinence syndrome, or with any amount of controlled substance, a legend drug or a metabolite of a controlled substance or legend drug in the child's body, including the child's blood, urine, umbilical cord tissue, or meconium.

CHINS 11: The child has an injury, abnormal physical or psychological development, symptoms of neonatal intoxication or withdrawal or experiences risks or injuries from the mother's use of alcohol, controlled substance, or legend drug during pregnancy.

Code References

1. [IC 12-7-2-28.8: Child care ministry](#)
2. [IC 12-7-2-149.1\(4\): Provider](#)
3. [IC 12-17.2-2-8\(6\): Licensure exemptions](#)
4. [IC 12-17.2-2-9: Migrant children's programs](#)
5. [IC 12-17.2-5: Chapter 5 Regulation of Child Care Homes](#)
6. [IC 12-17.2-6: Chapter 6 Regulation of Childcare Ministries](#)
7. [IC 31-9-2-14: Child abuse or neglect](#)
8. [IC 31-9-2-31: Custodian](#)
9. [IC 31-27 ARTICLE 27. CHILD SERVICES: REGULATION OF RESIDENTIAL CHILD CARE](#)
10. [IC 31-34-1: \(Sections 1-15\) Circumstances Under Which a Child Is a Child in Need of Services](#)
11. [IC 35-42-3.5-1: Promotion of human labor trafficking](#)
12. [IC 35-42-4: \(Sections 1-4, 7, 9\) Rape; criminal deviant conduct; child molesting; child exploitation and pornography; child seduction; sexual misconduct with a minor](#)
13. [IC 35-45-4: \(Sections 1 and 2\) Public indecency and prostitution](#)
14. [IC 35-46-1-3: Incest](#)
15. [IC 31-33-8-1: Investigations by the department of child services; time of initiation; investigations of child care ministries](#)
16. [IC 31-9-2-133: Victim of child abuse or neglect](#)

PROCEDURE

The Hotline Intake Specialist (IS) will:

1. Complete the [310](#) in the case management system;
2. Thoroughly screen each individual named in the report in the case management system prior to sending to the Hotline Intake Supervisor;
3. Determine if the allegations meet the statutory definition of CA/N. See [Practice Guidance](#);
4. Complete the following if the statutory definition of CA/N has been met:
 - a. Recommend the report be routed to the DCS local office for assessment,
 - b. Recommend how quickly the assessment must be initiated and determine if the response time is to be expedited.

Note: Review the timeframe assigned by the case management system and make any appropriate overrides.

5. Forward the CA/N intake report to the Hotline Intake Supervisor to be routed to the DCS local office. This may be done electronically.

Note: A Hotline IS may not bypass supervisory review on any reports.

PRACTICE GUIDANCE

Statutory Definition of CA/N

The determination as to whether or not allegations meet the statutory definition of CA/N requires a careful, balanced assessment of both objective and subjective information with the paramount consideration being the safety of the alleged victim.

Emotional Injury

Emotional injury occurs when a child has an observable, identifiable, and substantial impairment of his or her mental or psychological ability to function as a result of an act or failure to act by a parent, caregiver, or household or family member. These acts may include the following:

1. Implied or overt threats of death or serious injury of the child or others;
2. Implied or overt threats in the form of pet or animal torture; and/or
3. Constant denigration.

Failure to act may include the following:

1. Extensive emotional or physical isolation;
2. Confinement; and/or
3. Severe lack of engagement or stimulation.

See the [SDM Tool](#) for additional information on emotional injury.

FORMS AND TOOLS

1. [Sexual Offense Child Abuse and/or Neglect \(CA/N\) Matrix](#)
2. [Preliminary Report of Alleged Child Abuse or Neglect \(SF 114\) \(310\)](#)
3. [Indiana Department of Child Services Screening and Response Time Assessment \(SDM Tool\)](#)

RELATED INFORMATION

Relationships

The following are definitions of a parent, guardian and custodian:

1. Parent: The child's biological or adoptive mother or father.
2. Guardian: A person appointed by a court to have the care and custody of a child and/or the child's estate.
3. Custodian: Any person with whom a child resides or any of the following:
 - a. A license applicant or licensee of:
 - i. A foster home or residential child care facility that is required to be licensed or is licensed under [IC-31-27](#),
 - ii. A child care center that is required to be licensed or is licensed under [IC 12-17.2-4](#), or
 - iii. A child care home that is required to be licensed or is licensed under [IC 12-17.2-5](#).
 - b. A person who is responsible for the care, supervision, or welfare of children while providing services as an owner, director, manager, supervisor, employee, or volunteer at:
 - i. A home, center, or facility described in one (1) above,

- ii. A child care ministry, as defined in [IC 12-7-2-28.8](#), that is exempt from licensing requirements and is registered or required to be registered under [IC 12-17.2-6](#),
 - iii. A home, center, or facility of a child care provider, as defined in [IC 12-7-2-149.1\(4\)](#), or
 - iv. A home, center, or facility which is the location of a program that provides child care, as defined in section 16.3 of this Indiana Code, to serve migrant children and is exempt from licensing under [IC 12-17.2-2-8\(6\)](#), whether or not the program is certified as described in [IC 12-17.2-2-9](#).
- c. A school;
 - d. A child caregiver;
 - e. A member of the household of the child's noncustodial parent; or
 - f. An individual who has or intends to have direct contact, on a regular and continuing basis, with a child for whom the individual provides care and supervision.

Child Caregiver

[IC 31-9-2-16.4](#) defines a child caregiver as a person who provides, or is responsible for providing, care and supervision of a child (other than a child of whom the person is a parent, stepparent, grandparent, aunt, uncle, sibling, legal guardian, or custodian with whom the person resides) at a residential property that is not the child's place of residence if the person:

1. Is not required to be licensed as the operator of:
 - a. A child care home under [IC 12-17.2-5](#), or
 - b. A foster family home under [IC 31-27-4](#).
2. Provides care and supervision of a child while unattended by the child's:
 - a. Parent,
 - b. Guardian, or
 - c. Custodian with whom the child resides.
3. Receives more than \$2,000 in annual compensation for providing care and supervision of a child or children.

All of these requirements must be met in order for DCS to assess a child caregiver.

Child Care Home

DCS assesses all child care homes whether licensed, unlicensed, or operating illegally without a license (see policy [4.30 Institutional Child Protection Services \[ICPS\] Unit Assessments](#)). A child care home is defined in [IC 12-7-2-28.6](#) as a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least 14 years of age and does not require child care) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours, but less than 24 hours, in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.